

Kevin Davis, "Foreword", *Workers and Decision-Making on Production, AmeriQuests* 12.2 (Spring 2016)

For all of its description of union practices and customs outside of the four corners of a collective bargaining agreement, Lawrence Cohen's study of the Textile Workers Union of America Local 2188 strikingly points to how employee decision making in the work environment depends fundamentally on the rights provided by a union contract. All of the multi-tiered decisions regarding overtime that Cohen abstracts from his observations of the local's culture -- the permitting, designating, allocating, and working -- are possible only against the background of the union agreement, reached through a collective bargaining process mandated by statute. This legal requirement that the employer negotiate in good faith with the workers' union has created the space for a complex system of worker self-governance to arise, one completely outside of the legal framework. We see in the growth of that system the concrete and critical value of the right to bargain collectively. The non-coercive culture of worker decision making, which Cohen speculates may be the answer to worker alienation, has its catalyst in the legal change realized by the National Labor Relations Act.

Cohen's study, though, emphasizes a union interest not part of the stereotype and certainly not scripted by any regulatory provisions that could apply to TWUA Local 2188. He shows employees striving through their labor organization to implement a process for deciding working conditions autonomously and treating their co-workers fairly. Their practices of making overtime decisions derive from the concern to overcome the favoritism the plant had experienced in the years preceding their first union contract in 1936. Out of a concern for *fairness* in deciding about overtime, both in terms of procedure and outcomes, the local adopts first a set of undocumented practices and then later explicit terms in its labor contract to structure the decision process. The degree to which these workers go to adopt and observe rules that allow self-determination over decisions that have the possibility to adversely affect them undercuts the trite view that unions are essentially an economic on-ramp to 'above-market' wages.

Cohen shows us the union as a means to a moral goal. The autonomy of employees to make choices about the conditions of their employment, as legitimately as their compensation, can be the subject of collective bargaining agreements. Indeed U.S. federal law broadly sweeps the "terms and conditions" of employment into the scope of mandatory bargaining. To determine one's working conditions through the ability to veto overtime work is both a powerful check on management's control of production and a means of taking responsibility for this aspect of one's work life. Autonomy over working conditions such as this is one of the strongest moral justifications for the legitimacy of worker organization.

Prior to the local's first labor agreement only those employees in the plant who curried favor with management were offered overtime hours. After the contract, the union controlled the decision to permit overtime, first informally by operation of custom and then later explicitly under the terms of its union agreement. The early informal process made smaller units than the entire local the locus of overtime decisions that were delegated to chairmen of the particular departments of the plant. Interestingly, the workers change that arrangement in 1949 when they cede those decisions to union officials in the context of a multi-union agreement in the industry. What explains this change that appears to be a rejection of closer control over the decision about overtime? Cohen puzzles over this, considering several factors at work at the time.

His hypothesis points to the same rationale for which the workers act in concert at all -- fairness. Inconsistencies in the decisions of department chairmen throughout the plant to allow overtime, and the adverse effects of those same departments' inconsistent withholding of consent -- to force management to bargain over collateral issues -- resulted in a fairness concern that required change.

The workers' decision making process, we see clearly, hasn't evolved merely to take over management's functions, but to instill a missing quality of fairness into decisions. The department

chairmen's varying preferences on the question of permitting overtime benefits some but not all workers, just as the selective use of friction with management by some chairmen negatively affects some and not all. The workers' interest resonates with that of social change groups who seek alternative ways of steering themselves that do not involve authoritarian management and suppression of minority preferences. We can see in the union's multi-layered decisions on overtime an effort to implement a sort of consensus strategy and experiment with the balance between autonomy and responsibility on the one hand, and their sense of fairness, on the other.

The explanation has some plausibility. We see already from the outset that the TWUA workers reject a management role for themselves and their union. They refuse to identify with the need to control fellow workers, which they attribute exclusively to those in management positions. It is perhaps the realization of the effect of their actions on others in the decision making process that causes them not to embrace a larger role for themselves in directing the overtime process. Here we may see the growing sense of responsibility that comes with autonomy and that some view as unwelcome. The aversion to a sense of responsibility may explain much about the path organized labor has taken in the intervening years and why it seems to have been traded for a different view of autonomy.

The enticing loss of responsibility for how one's actions affects others is the payoff held out by one of the most discussed concepts of worker decision-making today, that of Peter Drucker's knowledge worker. Drucker's concept grows not out of the culture of labor organizations but from white-collar professionals, and the contrast with Cohen's textile workers shows how far from Cohen's subject the ideal of autonomy can move. Drucker famously characterizes the work effort of contemporary service industry professionals as requiring decisions on the part of employees who know better than any manager what steps to take next to accomplish tasks. They practice professions or perform specialized jobs for the sake of exercising judgment gained through long training. Their work benefits the employer by achieving complex tasks. The workers for their part enjoy a sense of mastery in exercising specialized skills.

In contrast to the labor union, the knowledge worker is a highly atomized construct. Decisions become the domain of individuals who exercise judgment and expertise to decide which tasks to perform in environments where actions cannot be rotely performed. Advice and services, not raw materials or tangible products, are the end products of their labor. We can see moral value in the knowledge worker, too, but of a different sort than the union local creates.

Cohen, too, recognizes worker judgment of this kind as a type of decision making within the plant. He labels it a "terminal decision on production" but embeds it in the much larger, layered structure of decisions made by groups within the plant and accords it no value insofar as fairness is concerned. The issue of autonomy, which for Cohen arises most interestingly in the acceptance or refusal of overtime assignments, for Drucker goes exclusively to the performance of tasks on the job. For Drucker autonomy is an inherent aspect of service industry work. To the degree moral value results from work performed well, though, it is for the individual worker alone. The knowledge worker's autonomy has no social dimension. It does not extend to or even affect decision making by one's fellow workers. Drucker's capital-centric vision of knowledge work decision making has no place for organized groups.

Cohen's optimistic hope at the end of his study that workers' organized decision making may help them overcome their alienation on the job seems too high in retrospect. His study and analysis of the TWUA local in Connecticut points to the possibilities that can be achieved through the mere exercise of legal rights. It sounds so simple, and for Cohen seemingly plausible. At the time he wrote, union membership in the U.S. had yet to peak, which it would do in the mid-1950s. But the failure of U.S. workers aggressively to make use of the right to organize and bargain collectively in

the last 60 years marks one of the great political collapses of the 20th century and a large part of the explanation of why wealth distribution has become increasingly unequal since then.

At a time now when relatively fewer employees in the U.S. private sector are members of a union than at any since before the NLRA was enacted in 1935, now less than 7%, Cohen's hope looks dashed. In light of his 1950s optimism it is worth asking what has been lost and what might yet be recovered. The economic value of unions has been rejected by most U.S. workers, who have been sold different hopes for economic fortune. The moral value of unions, though, perhaps has not been well enough considered. Cohen's work suggests possibilities that have not typically been part of labor discussions. Perhaps the time is ripe, given the reported rise in workplace dissatisfaction among U.S. employees, to consider dimensions of collective action that point to employee autonomy and quality of life changes. The right to negotiate for improved terms and conditions of employment, however unused, remains available.